

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

UNITED STATES OF AMERICA)
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CRYSTAL DENISE PHILLIPS)

CR. NO. 2:05cr268-WHA

UNITED STATES' MOTION TO CONTINUE TRIAL

Comes now the United States of America, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and as reasons for the Motion to Continue Trial, states as follows:

1. On November 15, 2005, an indictment was returned charging defendant with mail fraud in connection with an attempt to fraudulently obtain disaster assistance following Hurricane Katrina.
2. On November 21, 2005, the initial appearance and arraignment were held. Ms. Phillips was released on an unsecured bond.
3. On March 15 and 16, 2006, in preparing for the trial in this matter, the government obtained evidence indicating that on December 19, 2005, Ms. Phillips successfully negotiated another FEMA benefit check that was based on a fraudulent claim.
4. On March 17, 2006, the government filed a complaint against Ms. Phillips charging theft of government property in connection with the December 19, 2005 episode.
5. The government wishes to present these facts to a grand jury and seek a superseding indictment that would add charges relating to the newly discovered check.
6. Offenses relating to the new check would be properly joined with the existing indictment. *See* Fed. R. Crim. P. 8(a).

7. Because the next grand jury session is April 4, 2006, and trial is scheduled for March 27, 2006, the government would request a continuance of the trial date in this matter.

8. On March 16, 2006, AUSA Schiff contacted Mr. Glassroth's office but was advised that he was traveling out of state. Therefore, the government cannot make a representation as to whether or not the defendant opposes this motion.

Respectfully submitted this 17th day of February, 2006.

LEURA G. CANARY
UNITED STATES ATTORNEY

/s/Andrew O. Schiff
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IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
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UNITED STATES OF AMERICA)	
)	CR. NO. <u>2:05cr268-WHA</u>
v.)	
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CRYSTAL DENISE PHILLIPS)	

CERTIFICATE OF SERVICE

I hereby certify that on March 17, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: Stephen Glassroth, Esquire.

Respectfully submitted,

/s/Andrew O. Schiff
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